IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION NoS 704 & 705 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE D.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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GUJARAT AMBUJA PROTEINS LTD.

Versus

BHADRESH B GANDHI

Appearance:

Mr.R.V.Dagli for
M/S THAKKAR ASSOC. for Petitioners
MR MJ PARIKH for Respondents

CORAM : MR.JUSTICE D.K.TRIVEDI

Date of decision: 03/05/2002

COMMON ORAL JUDGEMENT

1. Rule. Mr. Parikh waives service of rule on behalf of respondents in respective matters. By consent rule is fixed forthwith.

2. Mr.Dagli appearing for the petitioners has taken

me through the orders under challenge passed by the learned Judge of the City Civil Court below applications for leave to defend filed by the defendants in Summary Suit No.4955/98 and in Summary Suit No.5934/98 against which Civil Revision Application No.704/2000 and Civil Revision Application No.705/2000 respectively were filed.As found from the orders, the learned Chamber Judge of the City Civil Court has not accepted the case for leave to defend taken out by the petitioners - defendants and accordingly the learned Chamber Judge has directed the petitioners defendants to deposit Rs.2,50,000/-- in Summary Suit No.4955/98 and Rs.1,00,000/-- in Summary Suit No.5934/98 and the Court has given time for making such deposit. The petitioners have approached this court by challenging the said orders and as per the order dated 20.12.2000, the court has extended the time granted by the Chamber Judge, which is till in force.

3. Mr.Parikh appearing for the respondents has submitted that without expressing anything on the contentions raised before me, the learned Judge of the City Civil Court be directed to examine the case for leave to defendant taken out by the defendants afresh within a particular date and Mr. Dagli, counsel appearing for the petitioners, has no objection, if such direction is given. Considering the decision in the matter of D.R.Patel v. M/s. J.K.Synthetics Ltd., reported in 35(2) GLR 1686 and the fact that the learned counsel appearing for the defendants has consented, it will be in the fitness of things, without expressing anything on the merits and the contentions raised before me, to set aside the orders of the learned Judge of the City Civil Court and the learned Judge of the City Civil court is directed to decide afresh the Chamber Summons, namely, leave to defend applications taken out by the petitioners - defendants in accordance with law and the learned Judge of the City Civil Court is accordingly directed to dispose of the said applications by 31.8.2002. Accordingly, the impugned orders are set aside. Rule is made absolute in the above terms in both the Civil Revision Applications. No order as to costs.

(D.K.Trivedi,J)

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